

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

WP(C).No. 3801 of 2007(C)

PETITIONER:

**M.K. KRISHNANKUTTY,
PROPRIETOR, SILENT VALLEY AYURVEDIC HEALTH CENTRE,
MINAVALLUR, PARLI, PALAKKAD.**

**BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE**

RESPONDENTS:

**1. THE DISTRICT COLLECTOR,
COLLECTORATE, CIVIL LANE, PALAKKAD.**

**2. DY. TAHSILDAR (R.R),
KERALA FINANCIAL CORPORATION, K.M.M.COMPLEX,
KOKKALAI (P.O), R.S. THRISSUR.**

**3. THE MANAGING DIRECTOR,
KERALA FINANCIAL CORPORATION, VELLAYAMBALAM,
THIRUVANANTHAPURAM.**

**4. THE CHIEF MANAGER,
KERALA FINANCIAL CORPORATION, BRANCH OFFICE,
1ST FLOOR CENTURY COMPLEX, MATHAKOVIL STREET,
SULTHANPET, PALAKKAD-678001.**

**BY ADV. SRI.T.V.GEORGE, SC, KFC
GOVERNMENT PLEADER SMT. SUDHADEVI N.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C) NO: 3801/2007 C

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE TELEGRAM DT. 16/10/2006 RECEIVED BY THE PETITIONER.

EXT.P2. COPY OF THE LETTER FROM THE PETITIONER TO MD, KFC DT. 18/10/2006.

EXT.P3. COPY OF THE REMINDER LETTER FROM THE PETITIONER TO MD, KFC.

**EXT.P4. COPY OF THE LETTER WITH RECEIPT DT. 4/1/2007 FROM PETITIONER TO CHIEF
MANAGER, KFC, PALAKKAD.**

**EXT.P5. COPY OF THE LETTER DT. 09/01/2007 FROM THE R4 TO THE DIST. COLLECTOR,
PALAKKAD.**

EXT.P6. COPY OF THE GO NO. 109111/H 3/2005 DT. 6/1/2006.

EXT.P7. COPY OF THE GOVT. CIRCULAR DT. 4/11/2005.

EXT.P8. COPY OF THE LETTER FROM PETITIONER TO R1 DT. 12/1/2007.

EXT.P9. COPY OF THE LETTER DT. 20/1/2007 FROM PETITIONER TO R1.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C).No.3801 of 2007-C

Dated this the 7th day of March, 2007

JUDGMENT

The petitioner was in default to the K.F.C. So, revenue recovery steps were taken to recover the amount due to the K.F.C. During the pendency of those proceedings the petitioner closed the loan account under the O.T.S. Scheme. The revenue recovery officials are claiming revenue recovery charges. The petitioner submits, the entire amount was directly paid by him to the K.F.C. and the revenue recovery officials have not recovered any amount from him and paid to the K.F.C. Therefore, the demand for collection charges is unjustified. But, the K.F.C. is not releasing the title deeds of the mortgaged properties apprehending that if they release those documents without collecting revenue recovery charges, ultimately they will be liable to pay it to the Government. In the above back ground this writ petition is filed seeking appropriate reliefs.

2. Heard the learned Government Pleader for respondents 1 and 2 and learned Standing Counsel for respondents 3 and 4.

3. In view of the decision of this Court that a defaulter is not liable for revenue recovery charges, the institution concerned is not liable for the revenue recovery charges if the amount due to it have

not been collected through revenue recovery measure. If that be so, the K.F.C. is not entitled to claim any revenue recovery charges from the petitioner also. Accordingly, the respondents 3 and 4 are directed to release the title deeds of the petitioner's mortgaged properties on production of a copy of this judgment. It is ordered that respondents 1 and 2 shall not collect any revenue recovery charges from respondents 3 and 4.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

MS